പ്രധാന വണിഗ്പരൻ മദ്രാസിലെപ്പോലെ, നമ്മുടെ മട്ടാഞ്ചേരി പട്ടണത്തിൽ—ആ നിയമം പോട്ട്കൊച്ചിയിലുള്ളതുകൊണ്ട്—അതിനോട് തൊട്ടുകിടക്കുന്ന നമ്മുടെ കൊച്ചിയിലും, പോട്ട്കൊച്ചിയിലെ നിയമം തന്നെ നടപ്പാക്കുന്നതു് നന്നായിരിക്കുമെന്നു് അഭിപ്രായപ്പെട്ടതിൽ അദ്ദേഹത്തോടുള്ള കൃതജ്ഞതയേയും, അഭിനന്ദനത്തേയും പ്രകടിപ്പിക്കുവാൻ ഈ അവസരം വിനിയോഗിച്ചുകൊള്ളുന്നു. ഈ ബിൽ എടുത്തപ്പോൾ ഇതിനെ പ്രതിഷേധിക്കാൻ വാണിജ്യപ്രമുഖനായ അദ്ദേഹത്തിന്നു് അഭിപ്രായമുള്ളതായിരുന്നു. എന്നാൽ അദ്ദേഹത്തിന്റെ സ്വന്തം നിലയിലായിരുന്നില്ല. അദ്ദേഹത്തിന്റെ സ്വന്തം കച്ചവടത്തിൽ ജോലിക്കാക്കു് ഇതിൽ വ്യവസ്ഥപ്പെടുത്തിട്ടുള്ളതിലും കൂടുതൽ ആനുകൂല്യങ്ങൾ കൊടുത്തുവരുന്നതായി എനിക്കറിയാം. എന്നാൽ ഇതിൽ അദ്ദേഹം വാദിച്ചതു മറ്റുള്ള വാണിജ്യപ്രമുഖന്മാർ, ഇങ്ങിനെയുള്ള ഒരു ബില്ലു് വന്നപ്പോൾ തങ്ങളുടെ പ്രതിനിധിയെന്ന നിലയിൽ ഇതിനെ എതുത്തില്ല എന്ന അദ്ദേഹത്തെ കുറ്റം പറഞ്ഞെങ്കിലോ എന്ന വിചാരിച്ചായിരിക്കാം. അദ്ദേഹത്തിന്റെ സ്വന്തം നിലയിൽ ഇതിനേക്കാൾ കൂടുതലായിട്ടുള്ള സൗജന്യങ്ങളും ആനുകൂല്യങ്ങളും കൊടുത്തുവരുന്നുണ്ടെന്നാണു് എന്റെ അറിവു്. അദ്ദേഹത്തിന്നു സ്വന്തം നിലയിൽ ഈ കാര്യത്തിൽ അഭിപ്രായ വ്യത്യാസമുണ്ടാകാൻ തരമില്ലെന്നു ഞാൻ ആത്മാർത്ഥമായി വിശ്വസിക്കുന്നു. കൊച്ചിയിലുള്ള Shop-കളിലേക്കും, മദ്രാസു് സംസ്ഥാനത്തിലുള്ള ഷാപ്പുകളിൽ നടക്കുന്ന സമ്പ്രദായം തന്നെ നടപ്പിലാക്കണമെന്നുള്ള അഭിപ്രായ ഐക്യമാണു് അദ്ദേഹത്തിൽനിന്നുണ്ടായതു്. അദ്ദേഹത്തിന്റെ സ്വന്തം പ്രവൃത്തികൾ കൊണ്ടു് അദ്ദേഹം സ്വന്ത നിലയിൽ ഇതിന്നു് എതിരല്ല എന്നു കാണിച്ചിട്ടുണ്ടെങ്കിലും, അന്നു് ഈ ബില്ലിനെ എതുക്കുകയുണ്ടായെന്നുള്ളതു വിസ്മരിക്കാവുന്നതല്ല. പഴയ ബില്ലുകളിൽനിന്നു വ്യത്യസ്ഥങ്ങളായി, അതായതു് എന്റേയും, പുതുരിന്റേയും ബില്ലുകളിൽ നിന്നു വ്യത്യസ്ഥമായി, ഷാപ്പുകളിൽ പണി എടുക്കുന്നവരുടെ ആരോഗ്യം സംരക്ഷിക്കപ്പെടത്തക്ക ചില വ്യവസ്ഥകൾ കൊണ്ടുവന്നിട്ടുണ്ടു്. ശമ്പളം കൊടുക്കുന്നതിനെ സംബന്ധിച്ചുള്ള ചില വ്യവസ്ഥകളും കൊണ്ടുവന്നിട്ടുണ്ടു്. അങ്ങിനെ പല വിധത്തിലുള്ള വ്യവസ്ഥകളും ഇതിൽ ഉൾകൊള്ളിച്ചിട്ടുണ്ടു്. മിസ്റ്റർ ജേക്കബ്ബിന്റെ ബില്ലിൽ കുറെക്കൂടി കൂടുതൽ ആയിട്ടുള്ള ആനുകൂല്യങ്ങൾ പീടിക തൊഴിലാളികൾക്കു കൊടുക്കണമെന്നുള്ള വ്യവസ്ഥകൾ അടങ്ങിട്ടുണ്ടു്. ഇതിനെക്കുറിച്ചെല്ലാം ആലോചിച്ചതിൽ ഒരു Compromise എന്നുള്ള നിലയിൽ സമ്മതിച്ചു കൊണ്ടുവന്നിരിക്കുന്നതാണു് ഈ ബിൽ. അതുകൊണ്ടു് ഈ നിയമസഭ, അയൽവക്കത്തുള്ള പ്രോവിൻസുകളിലെ ബില്ലുകളോടു യോജിക്കുന്നവിധം ഇവിടെയുള്ള ബില്ലുകളിലും വ്യവസ്ഥകൾ വരുത്തണമെന്നു് അഭിപ്രായമുള്ള ഈ നിയമസഭ, ഈ ബില്ലിനെ ആലോചിച്ചു സാരമായ യാതൊരു ഭേദഗതിയും കൂടാതെ ഇതു സ്വീകരിക്കുമെന്നുള്ള പ്രതീക്ഷയാണു് എനിക്കുള്ളതു്. ഗവണ്മെണ്ടു ഭാഗത്തു നിന്നു ഒന്നു രണ്ടു ഭേദഗതികൾ കൊണ്ടുവരുന്നുണ്ടു്. അവ സ്വീകാര്യങ്ങളെന്നു് ഈ സഭ അഭിപ്രായപ്പെടുന്നപക്ഷം ഞങ്ങൾ സന്തോഷത്തോടുകൂടി സ്വീകരിക്കുന്നതാണു്.

(A) POINT OF ORDER

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: On a point of order, Sir, I want to know whether the Hon'ble Member is on his legs under Standing Order 35 or 36, that is whether he is now presenting the report of the Select Committee or whether he is moving for consideration of this Bill as reported by the Select Committee which comes under S. O. 36 because it is necessary for all, inclusive of the Hon'ble Member, whom I am sorry to interrupt, to know it.

Mr. P. K. Dewer *(Nominated)*: I presented the report and this statement after the presentation of the report I am entitled to make as the member in charge.

Mr. President: In presenting the report the Hon'ble Member is entitled to make a statement.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: He is tresspassing into S. O. 36, Sir. That is why I intervened. I want to make comments upon the process under S. O. 35.

Mr. M. O. Thomakutty *(Commerce and Industry)*: I want to oppose.

Mr. President: The Select Committee report has been presented by the Hon'ble Member in charge. What is the Hon'ble Member opposing?

Mr. M. O. Thomakutty *(Commerce and Industry)*: I have to oppose certain clauses, Sir.

Mr. President: That will come later. The Hon'ble Member has got his chance. The Hon'ble Member Mr. Ezhuthassan said that he wants to make some comments.

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Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I see another member on his legs and and I gave way.

മിസ്റ്റർ പി. കെ. ഡീവർ: ഇതിൽ Section 3-ൽ ഒരു amendment ഗവണ്മെണ്ടു് ഭാഗത്തു നിന്നു കൊണ്ടു വന്നിട്ടുണ്ടു്. അതു് വളരെ ആവശ്യമാണെന്നു് എനിക്കു തോന്നുന്നുണ്ടു്. അതുകൊണ്ടു് ഞാൻ ഈ ബിൽ അവതരിപ്പിച്ചുകൊള്ളുന്നു.

മിസ്റ്റർ പത്തൂർ അച്യുതമേനോൻ: സർ, നിയമസഭയിലെ മൂന്നു മെമ്പർമാർ അവതരിപ്പിച്ചു പാസാക്കി സെലക്ററ കമ്മററിക്കയച്ചു്, സെലക്ററ കമ്മററി തെയ്യാറാക്കിയ ഒരു ബിൽ ആണിതു്. ഈ ബില്ലിന്റെ അവതാരകന്മാരിൽ ഒരാളെന്ന നിലയിലാണു്, സെലക്ററ കമ്മററി റിപ്പോട്ടിന്റെ ഈ അവതരണ സമയത്തു് ഒന്നുരണ്ടു വാക്കു ഞാൻ പറയുന്നതും എനിക്കു വളരെ സന്തോഷമുള്ള കാര്യമാണു, ഗവണ്മെണ്ടുകൂടിയും ഇതിനെ അനുകൂലിച്ചുകഴിഞ്ഞു എന്നുള്ളതും. ഇനി എനിയ്ക്കു അനുഭോഗസ്ഥ സമാജികന്മാരോടാണു് ഇതിനെക്കുറിച്ചു ഒരു വാക്കു പറയാനുള്ളതു് ഈ ബില്ലിനെപ്പററി വാദപ്രതിവാദം നടത്തുമ്പോൾ ഇതിന്റെ പഴയ ചരിത്രം നിങ്ങൾ ഒന്നു ഓർമ്മിക്കണം എന്നാണു്. ഫൻർഫ മുതൽ കൊച്ചീ നിയമസഭയിൽ ഇങ്ങിനെ ഒരു ബിൽ വേണമെന്ന മുറവിളി തുടങ്ങിയിട്ടുണ്ടു്. ഫൻ ർ ഫ-ൽ ഗവണ്മെണ്ടിനോടു്, ഇങ്ങിനെ ഒരു ബിൽ കൊണ്ടുവരണമെന്നു് ആവശ്യപ്പെട്ടുകൊണ്ടു ഞാൻ ഒരു പ്രമേയം അവതരിപ്പിച്ചു. ഫൻ ർഫ-ൽ ഞാൻ ഇങ്ങിനെ ഒരു ബിൽ കൊണ്ടുവരുകയും അതു സെലക്ററ കമ്മററിയ്ക്കു പോകുകയും ചെയ്തു. സെലക്ററ കമ്മററി റിപ്പോട്ടു് തയ്യാറാക്കി അതിവിടെ അവതരിപ്പിക്കുന്നതിനുമുമ്പു് അന്നത്തെ ഉദ്യോഗസ്ഥ ഗവണ്മെണ്ടിന്റെ തടവുകാരനായി തീർന്നു ഞാൻ. അതിനു ശേഷം ഈ നിയമസഭയിൽ ആദ്യമായി വന്ന അവസരത്തിൽ ഇങ്ങിനെ ഒരു ബിൽ കൊണ്ടുവന്നു. അതുകൊണ്ടു ഈ തവണതന്നെ ഇതിന്റെ ആലോചന പൂർത്തിയാക്കാനുള്ള സഹകരണം ഈ നിയമസഭയിലെ അനുഭോഗസ്ഥ സമാജികന്മാരിൽനിന്നു് ഉണ്ടാകണമെന്നാണു ഞാൻ പറയുന്നതു്. ഈ നിയമം പാസ്സാക്കിയതുകൊണ്ടു ഷാപ്പുകളിൽ വേലചെയ്യുന്നവർക്കു് അവർ ആഗ്രഹിക്കുന്ന ഗുണം മുഴുവനും ഉണ്ടാകയില്ല, ഈ ബില്ലിൽ യാതൊരു വിപ്ലവവുമില്ല. ഇതിൽ വ്യവസ്ഥ മണിക്കൂർ വേല എന്നാണു പറഞ്ഞിരിക്കുന്നതു് അതു ന്യൂ മണിക്കൂറിൽ കൂടുതൽ പാടില്ല എന്നെല്ലാം ചിലർ പറഞ്ഞേക്കാം. ഞാൻ തന്നെ സമ്മതിക്കുന്നു, ഷാപ്പുകളിലെ ജോലിക്കാർക്കു വേണ്ടിടത്തോളമുള്ള പരിരക്ഷ ഈ ബില്ലിലില്ലെന്നു്. പക്ഷെ, ഇങ്ങിനെയെങ്കിലും ഒരു ബിൽ ഗവണ്മെണ്ടിനെക്കൊണ്ടു് ഉടനടി നിയമമാക്കി നടപ്പിൽ വരുത്തിയതിനു ശേഷം നമുക്കാവശ്യമായ ഭേദഗതികളും കൊണ്ടുവരാം. അതുകൊണ്ടു് ഇത്തവണത്തെ നിയമസഭയിൽ തന്നെ ഇതിന്റെ ആലോചന പൂർത്തിയാക്കാനുള്ള സന്മനസ്സു് അനുഭോഗസ്ഥ സമാജികന്മാർക്കുണ്ടാകണമെന്നഭ്യർത്ഥിക്കുകയാണു ഞാൻ ചെയ്തതു്.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Mr. President, with the very helpful intervention in the debate of the sponsor of one of the Bills, three of such being amalgamated before recording evidence and preparing the Select Committee report, I find myself being in a happy position. Now, Sir, the genesis of the Shops and Establishments Bill introduced for the first time in Council—it was unfortunate in one sense, but commendable and laudable and helpful from another stand point,—that it was not possible to be got through at that time. I can well appreciate Sir, the anxiety of my esteemed friend, the Deputy Leader of the main block of this responsive co-operative opposition in the Council, in making the request by that trick or this trick indulged in by the Government or by persons notorious by their long speeches in the Council. Not only the progress but the final stages of the Bill may not be retarded. They may be expedited. It ought to be welcome to the whole House. It is happy and well founded that the anxiety is to get through the Bill, because the cause that is proposed to be served by this amalgamated Bill, as reported by the Select Committee, and to be passed as I hope it will be passed, either with amendments or without amendments, because he is not particular, I am sure, that his child must be accepted by us. Of course, I don't mean that my esteemed friend Mr. Dewer's attempts are to be forgotten, or that of the leading prince amongst merchants from the other side is not to be taken into account. He does not mean that. The combined researches of these three esteemed friends—I mean two cured in one line and the other cured the opposite line—but still, Sir, the product, the report before the House, is the result of the combined labours, helped and guided and by the evidence that they took. Now therefore my friend's anxiety is well founded and I echo every sentiment given expression to by him with regard to the speed of the passage of the Bill. It must be passed as speedly as is humanly

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possible consistent with the purpose which is really intended to be served by this measure being passed and finally going into the statute Book of Cochin.

Therefore, Sir, a close examination of the subject matter at this stage is necessary though I have only one or two observations to make, just on the lines for the same purpose for which the observations were made by the Hon'ble Member for Kattoor.

Mr. President: What is the Hon'ble Member's observation?

Mr. P. Kumaran Ezuhthassan *(Vadakkancheri):* I am coming to it, Sir. The Chair can be patient enough to wait and listen to the observations that are surely promised to be followed. The purpose to be served being not a one sided thing, I think I am sufficiently expressive on that. The Bill which is before the House is a measure, which, though austensibly helpful to one part of the business.....

(B) POINT OF ORDER

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* On a point of order, Sir, ഈ ബില്ല് present ചെയ്യുന്നിന്നശേഷമേ ഇതിനെപ്പറ്റി പ്രസംഗിക്കാൻ പാടുള്ളുവെന്നാണ് എന്റെ അഭിപ്രായം.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am glad that he is not raising it as a point of order. Is it a point of order that is raised, Sir?

Mr. President: Not a point of order.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* So I stand uninterrupted. I have analysed this. Unless my Hon'ble friend who had been the Deputy President for long asserts it as a point of order and that my statements are irrelevent and out of place in the present context I accept it as such.

Mr. K. Ayyappan *(Ezhuvas Kanayannur):* The point of order is this.

ഒരു ബിൽ പ്രസന്റ് ചെയ്യുന്നതിനു മുമ്പ് അതിന്റെ ഫാക്ട്സിനെ സംബന്ധിച്ചു എന്തെങ്കിലും പറയാനുള്ള അവസരം കൊടുക്കണോ, വേണ്ടയോ എന്നുള്ളതാണ് ഇവിടത്തെ പ്രശ്നം. അതു കൊടുത്തില്ലെങ്കിലും തരക്കേടില്ലായെന്നാണ് ഞാൻ പറയുന്നത്.

Mr. President: What is the precedent in the matter?

Mr. M. Sivarma Menon *(Constitutional Adviser):* The Standing Orders as it stands reads as follows.—

"The report of the Select Committee on a Bill shall be presented to the Council by the member in charge of the Bill who shall, if he makes any remarks, confine himself to a brief statement of facts. After the presentation of the final report of the Select Committee on a Bill, the member in charge may move".—

But the principle is that if one member is allowed to make some statements of facts, then similar statements will also be allowed to be made by any other member, because there is no taboo under this S. O. that nobody else is entitled to make any observation within the rules. That is after the statement of facts is made by mover of the Bill, any relevant statements can be made by any Hon'ble Member.

Mr. President: I think the S. O. is very clear on this point, that is after presentation of the report of the Select Committee by the member in charge of the Bill, who shall, if he makes any remarks, confine himself to a brief statement of facts. It is indicative of the fact of a suggestion that remarks, if it need be made, should confine to a brief statement of facts. Well, it may be contended that it is a restriction only meant for the mover, but not for the others. That is the observation. Therefore I think members can take the liberty of making a brief comment upon the report.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* If the mover has to make any statement of facts, according to the position taken up by the Constitutional Adviser, he can make brief statement of facts and the other members can make briefer statements. That is the Hon'ble Members, after the presentation of the Select Committee report, will be in a better position to come to a conclusion that there are two different sets of facts and therefore the limitation is certainly clear that it must be a statement of facts.

Mr. President: That is the spirit.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I have been interrupted on a point of order. The point of order may be ruled. I solicit that. Can he interject a point of order for another.

Mr. President: I regret that we are unnecessarily wasting the time of the House.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I interject my another point of order. Can a point of order be interjected by another point of order? The rulings are clear.

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Mr. President: It is not another point of order.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* In spite of my repeated attempts to explain that point.....

Mr. P. K. Dewer *(Nominated):* The Hon'ble Member must give others also a chance.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* It is not a point of order.

Mr. President: Order, order. I clearly understood that the Hon'ble Member rose up in his seat in order to raise a point of order, and therefore there is no meaning in interrupting that.

Mr. P. K. Dewer *(Nominated):* Sir, I think this is not the time for making any remarks at all because there is no motion before the House here. If any member wants to speak, there must be a motion before the Council. The motion comes only next. Here we are only presenting the report of the Select Committee. I think I alone can make a statement of fact and if any other member wants to speak, I contend that it can be done only after moving the motion for consideration.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* It is another point of order, Sir.

Mr. P. T. Jacob *Latin Christans-Mattancheri):* No, Sir.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am exercising my right and might alone, Sir. Let it be allowed, if possible. Otherwise I have no quarrel.

Mr. President : What has been the practice of the House.

Mr. M. Sivarama Menon *(Advocate-General):* No such question has abundantly been raised before, but I hope natural justice requires when any other Hon'ble Member wants to contradict the statements in the report, it must be strictly limited to the statement of facts according to the rules. It has absolutely no relationship to the question whether this Bill has to be amended or not; in fact a statement of fact is absolute fact and that must be certainly confined to the solid facts. My interpretation is that no member is entitled to make any remarks regarding the desirability of the passing of the Bill or such and such clauses or even whether the amendments may be taken into consideration or not. I only say that after the statement is made by the mover, if any other Hon'ble Member wants tomodify it, especially with regard to the facts alone, that can be allowed.

Mr. President : That principle can be followed.

Mr. P. Kumaran Ezhuthassan *(Vadakkacheri):* In the light of the ruling, Sir, in that happy context Sir,....

Mr. P. T. Jacob *(Latin Christans-Mattancheri):* Is it happy.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Certainly happy. May not be for some, but happy it is for myself. I am sorry, Sir, that this point of order had to be raised by.....

Mr. President: That is over.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* No, Sir, I must be given the freedom of speech as long as I am confining myself to the S. O. and Parliamentary language; that and that alone is the restriction that you will be pleased to place upon me.

Mr. P. T. Jacob *(Latin Christians-Mattancheri):* On a point of information, Sir. Mention has been made of a brief time. I want to know what is the brief time.

Mr. President: That is consistent with the situation. Yes, the Hon'ble Member may continue.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I started by saying, Sir, I am really sorry that this point of order has been raised. I am within my right because Sir,.....

Mr. President . Order, that point of order has been settled & I think no further comment is necessrry on that point.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am not speaking on that, Sir.

Mr. President: It is taking away unnecessorily the time of the House. The Hon'ble member can continue.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I am not referring to the ruling on the point of order. But I am referring to the unhappy episode of the point of order, most unhappy episode of that point of order having had to be raised.

Mr. President : Order, order. I said there need not be any comment upon that point of order or on that subject of the point of order. In connection therewith we have nothing more to say. Therefore the Hon'ble Member may proceed with his speech.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I seek to enquire, Sir, whether it is a ruling with regard to the manner in which I have to speak. I am completely within my right as has been shown in this book.....

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Mr. President: What is the right Hon'ble Member wants ?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* The right I mentioned is the right under the Standing Orders. It is a pity that I have been heckled like this. I have not been deprived of presenting my case before the Chair.

Mr. President : I want to know the right the Hon'ble Member is claiming in this matter. If the Hon'ble Member can put it, I would like to know, because it would be helpful to the Chair.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* My right, Sir, is to speak, which speech must conform to the S. O., the language must not be unparliamentary. That is my right.

Mr. President: That has never been denied to the Hon'ble Member.

Mr P. Kumaran Ezhuthassan *(Vadakkancheri):* I don't deny, Sir, although it is not so.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* It is relevant, Sir, by the way in which I started. Again I was ruled out by the Chair. I am not in any competitive spirit, Sir.

Mr. President: I decline that again adverting to the matter upon which the Hon'ble Member has been speaking. It takes unnecessarily the time of the House and obstructs the legistative work. So we shall go on with the Bill. Yes, the Honble Member may continue his statement of facts.

Mr. P. Kumaran Ezhuthassan *(Vadakkanchri):* And in the light of the explanation given by the Constitutional Adviser, and in the light of the explanation given in the S. O. and in accordance with the precedence on the subject, any point of order raised will have to be ruled and it was upheld. Wisdom was thrown into your head that it is relevant.

Standing under S. O. 36 and confining myself within the strict limitation and the scope of that, I submit, Sir,.....

Mr. P. K. Dewer *(Nominated):* Oh ! you are strictly following..... (laughter)

Mr. President : Please let there be no interruption.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I was interrupted while I was saying that the Bill introduced contains two component parts, a service, a social service, that is, shops being run by one class and service and service being rendered through those shops by another poorer class of persons—therefore in considering this Bill rather the report on this Bill, it should not be a one-sided view which often is taken by the so-called leaders of one section of that which is composed of the two sections is the only observation that I wanted to make pertaining to that angle, Sir, which it has to be viewed. That has been adverted to necessarily or otherwise, by my previous speaker. Therefore, congratulating for that stand and regretting many other things, I submit, Sir, that this point may be considered. In the anxiety to get through this Bill what is necessary to be done at the proper time may not be forgotten by any section of the House. With these I conclude, Sir.

Thank you for the indulgence.

Mr. P. A. Muhammad Ashrof *((Cranganur):* Sir, I raise a point of order. Can an Hon'ble Member take a cup of water or lemonade while he is sitting in the House?

Mr. President : Yes, if he is thirsty.

Mr. P. K. Dewer *(Nominated):* Sir I am prepared to accept the amendments proposed by the Government.

Mr. P: Kumaran Ezhuthassan *(Vadakkkncheri) :* Sir, the stage is wrong. The motion has not been made.

Mr. P. K. Dewer *(Nominated) :* Yes, the motion has been made.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri) :* You do not know what a motion is. Sir, we are only under S. O. 35, that is presentation. I object to the statement that he accepts the amendment. We cannot touch it now.

Mr. President : Under Rule 37, there must be a motion that the Bill as reported by the Select Committee be taken up for consideration. That motion has been made by the Hon'ble Member and the same has been seconded.

Mr. President : The question is.....

Mr. P. Kumaran Ezhuthassan *(Vadakkahcheri):* Sir, have the members, inclusive of myself, the right to speak at this stage when the motion is before the House ? Then let us not rush through.

Mr. President : There is a motion before the House. Is it in order.

Mr. M. Sivarama Menon *(Constitutional Adviser):* The rule is when a motion has been agreed to by the Council that it has been taken into consideration any member may propose an amendment. Now the motion before the House is that the Bill as amended by the Select Aommittee be taken into consideration. That must be agreed to. That is one stage. And then alone speeches can be made. That must be agreed to.

Mr. President: Yes.

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Mr. M. Sivarama Menon *(Constitutional Adviser)*: Unless that motion is agreed to by the House, there is no other stage in the interval.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: It is the subject matter of the discussion upon any legislation, big or small.....

Mr. President: That is to say there is no provision for a discussion at this stage. Then how is the House to come to an agreement?

Mr. M. Sivarama Menon (*Constitutional Adviser*): After the presentation of the report of the Select Committee, there is a motion in the Standing Orders and that motion is that the Bill as reported by the Select Committee be taken into consideration, and when that motion is made there are other particulars; but any member may object to its being so taken into consideration if a copy of the report is not available for the use of the members for twelve days, or if three months have not elapsed from the date of the first publication of the Bill, and such objection shall prevail unless the President in the exercise of his power to suspend this order allows the report to be taken into consideration. That is one objection; or that the Bill be re-committed, either without limitation, or with respect to particular clauses or amendments only. If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be recommitted. Now when all these stages are over, then comes the duty of the House that is whether that motion which is made by the mover that the Bill be taken into consideration has been agreed to.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Sir, I rise on a point of order to draw the Chair's attention to an important Standing Order which unfortunately has become the subject matter for various kinds of interpretation. Now, Sir, after the S. O. pertaining to the presentation of the report of the Select Committee followed by the motion that has been referred to that the report be taken into consideration, duly seconded, at this stage, there can be a discussion in support or in opposition.

Mr. President: It may as well be that the Bill as reported by the Select Committee cannot be taken into consideration; that is one. It has to be recommitted with limitations or without limitations is another. Yes, I quite understand.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: The exhibitions here have shown that many have not understood. Therefore I submit, Sir, that in the pages of printed matter relating to the same subject which was before the Madras Assembly long debates inclusive of irrelevant matter are precedence. I am not going to help the House which has come most unprepared for the subject and which seems to be touchy.

Mr. P. K. Dewer *(Nominated)*: Question.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Question you may, but I shall not contradict it.

Mr. Puthur Achutha Menon *(Kattur)*: You are taking away the time of the House unnecessarily.

Mr. President: Order, order. I give the ruling.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: No, one minute, Sir. Will I be allowed to talk, Sir? I am on my legs. Have I the right covered by the S. O. as also by the precedence of the House to speak? Sir, I want to know. I made this observation deliberately having the full implication. Have I the right to speak?

Mr. Puthur Achutha Menon *(Kattur)*: Before the ruling, Sir.....

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: If there is the right of speech, I want to continue, Sir. If unfortunately it is ruled that there is no right I solicit a ruling.

Mr. M. Sivarama Menon *(Constitutional Adviser)*: Sir, I request that the ruling may kindly be given if the Chair is so pleased to allow it after the House re-assembles after lunch.

Mr. President: Order, order, the House stands adjourned.

The House rose for lunch at 1-30 p.m. and re-assembled at 2-30 p.m. with the Hon'ble President in the Chair

Mr. President: In regard to that point of order, I find that the precedent followed in this House is that when a motion that the Bill be taken into consideration is made Hon'ble Members can speak on the Bill. That is what I find by examining the precedent. Do any Hon'ble Member wish to speak on the motion?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I was interjected, Sir, in my observations, I believe at a point when I was saying that this Bill relates to a social service, composed of two parts. The enthusiasts on the side of one section alone which is being exploited for the purpose not beneficial to them, but for political ends, though denied in season and out of season, but still discarnible, but let not the other side which is the life giver of this toiling noisy section

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—those good folk,—but they are being exploited. That should not be forgotten. That is all the observation, Sir, that I have to make more than what I did earlier. I am sorry, Sir, that in the course of my observations, heat was created, light was attempted to come in, and something which I deliberately observed caused perturbation of mind and irritation of feeling especially in the minds of two of my esteemed friends. Anyhow they will not mistake the spirit behind these observations which are done only in the interest of seeing that this House does not deteriorate. On the other hand it goes up as it becomes a House presided over by you, Sir. With these I resume my seat. Once more thanking you for your indulgence.

Mr. M. O. Thomakuty *(Commerce and Industry)*: Sir, I rise to oppose this Bill. In my humble opinion this Bill is neither desirable nor expedient. Of course I know, the hours of work, etc., of factory labour has been regulated by factory legislation. The intention of the movers of the Bill is to regulate the hours of work, etc., in shops, commercial establishments, restaurants, eating houses etc. But the question to be considered is whether the time for such a measure has come in the State. I may assure the Hon'ble Members of this House that there is perfect amity, good-will and co-operation at present between the employers and the employees. The employ rs are doing all in their power to ameliorate the conditions of their employees and the employees in their turn are doing all in their power to improve the conditions of their masters. If this be the true state of affairs, what then is he immediate necessity for a Bill of this kind? I, for one, fail to see, Sir, any necessity for this at present.

If perhaps, the intention of the promoters of this Bill is to create hatred and discord between the employers and the employees, I may submit that they have more than succeeded in their attempt. For, I am confident, th t the net result this measure is capable to bring about is only the creation of that discord and hatred which are so injurious to the harmonious development of trade and commerce in this State. Of course, there may be some disgruntled elements here and there. I do not deny that fact. But that is the case everywhere. Can the Hon'ble Members say that all the servants employed in the public service of the State are contented and satisfied? I am only surprised to find that the promoters of this Bill have brought forward such a measure to satisfy the disgruntled few. But I assure them that such undesirable elements can never be satisfied.

If the promoters of this Bill are so anxious to protect the interests of the employees in commercial shops and other establishments I fail to understand why they have exempted from the operation of this Bill those persons employed by Government institutions. Are they not also human beings? I cannot understand the principle under which they are exempted.

Sir, when a legislation is enacted, it must be seen that the provisions of the measure are easily adaptable and practicable. It is no use we adorn our Statute book with impractical pieces of legislation I can prove to the Hon'ble Members of this House that most of the provisions incorporated in this Bill are not in the realm of practical politics.

The provisions in Chapter V are intended to safeguard the health and safety of the employees. There is no use, Sir, of laying down impossible conditions. We must be able to see things in their reality and what we propose to do must be feasible of execution. "The premises of every establishment shall be kept clean and free from effluvia arising from any drain or privy or other nuisance", so goes on clause 20 of the Bill. What then is the Public Health Department and the Municipalities for? Is it the duty of the shop owners to keep clean the drains, privy, etc? Then clause 21 says that every establishment shall be ventilated in accordance with such standards and by such methods as may be prescribed. What are these methods? Non who has seen the buildings and godowns in which our shops are conducted will say that they satisfy these conditions. But then, is it possible to remedy them in an overnight? Is it possible, Sir, to demolish the buildings in Mattancher i and construct ideal, well-ventilated, well-lighted, airy and convenient business houses? Can you ever dream of such a consumation in the next 50 years? If that is the case, Sir, why do you incorporate such impossible conditions? Is it not simply to harass the merchants? And in another clause you invest the inspector with powers to inspect and he can demand the shop owner to improve the condition of the building if they appear to him unfit and insanitary.

Again the provisions in Chapters VI and VII are calculated to harass the meachants by putting several impediments in the smooth working of their business. You cannot expect a business man to maintain several registers and records and to calculate eligibility for leave etc., for each and every one of his employees. It may be possible in Government offices where you can have as many clerks as you like. But a businessman is most economic in his dealings. He has no time to spend on such routine and technical matters. Now, if this Bill is passed each man will

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have to appoint some special staff to cope with these matters. This is all in short another way of harassing the merchant community.

Another important feature of this Bill is the grant of a weekly holiday and restriction of hours of work. As for the weekly holiday, I think it is common knowledge that this is being observed by all. As for hours of work also, there has been considerable improvement in this direction also, so much so, I do not think that this can be justified on this ground because there are things which have already been recognised and put into practice by the merchant community.

In my opinion, in such matters, it is not advisable in the interests of the employees themselves to have hard and fast rules. Clause 32 (1) lays down that the wages of every person employed shall be paid before the expiry of the fifth day after the last day of the wage period in respect of which the wages are payable. I wonder that the promoters of this Bill are not living in the world of realities. They do not know that there is not a single employee who has not received his pay for two or three months in advance. Now, when a rule comes the employer can reasonably refuse to pay wages in advance. Will that be in the best interests of the employee?

The fines prescribed are excessive. It should not be the aim of the Government to make a revenue out of this. The penalties imposed should only be nominal. The penalties now prescribed are out of all porportion.

Viewed from all these aspects I do not find any necessity for such a Bill at this juncture. It is only calculated to harass merchants. Instead of affording them all reasonable facilities for the development of trade and commerce, impediments are being put in their way by the enactment of such impractical legislations. After the enactment of this measure, a merchant will have no time to look after his business proper. You cannot expect a merchant to maintain so many registers, and service books and things like that.

Clause 41 (1) says that "no employer shall dispense with the services of a person employed continuously for a period of not less than six months, except for a reasonable cause and without giving such person at least one month's notice or wages in lieu of such notice, provided, however, that such notice shall not be necessary where the services of such person are dispensed with on a charge of misconduct supported by satisfactory evidence recorded of misconduct at an enquiry held for the purpose". The period of six months fixed is too short a period to study the character, ability and other things of an employee. Businessmen are dealing in money and valuables and they must be given utmost freedom in the matter of appointments and removals. You cannot ask an employer to retain a man in service if he is found undersirable merely on the ground that he has put in some sevice, who will be responsible for the loss incurred by the owner on account of the negligence and dishonesty of employees? Will the Government or the supporters of this Bill stand surety for their honesty and good behaviour? In cases of misconduct it is laid down that an enquiry should be held and the fact recorded who is to conduct the enquiry—is it the owner or any other third party? If it is a third party, it is a thing which we can never agree. The employers should be given utmost liberty in the matters of appointments and removals.

It will thus be seen that this Bill is defective and that it is a mischievous piece of legislation calculated to create discord and strife among the merchants and their employees. In a matter of this kind it is the paramount duty of this House to convince itself that such a measure is an urgent necessity and that the people who are going to be affected by it, demand it. I, who has the privilege, of representing the commercial community in this House, maintain that this is wanted neither by the merchants nor by their employees. The vast majority of the employees fear, that if this Bill comes into law, they will not be able to get as much concession and leniency as they have been enjoying hitherto. So I appeal to the sponsors of this Bill that if they have the welfare of the employees at heart, not to support this Bill because they only stand to lose by the enatment of this measure. With these few words I oppose the Bill.

Mr. President : Any other Hon'ble Member to speak on the Bill? I shall now put the.....

Mr. P. K. Dewer *(Nominated)*: May I know, Sir, if a motion that is going to be put is whether it should be taken up or not.....

സർ, ഈ ബില്ലിനെ എതിത്ത ബഹുമാനപ്പെട്ട കോമേഴ്സ് മെമ്പർ, ഈ ബിൽ ആവശ്യമില്ലായെന്നുള്ള കാരണത്തിന്മേലാണ് എതിത്തിട്ടുള്ളതു്. ഈ ബിൽ ആവശ്യമില്ലായെന്നുള്ളതിനു അദ്ദേഹം പറഞ്ഞിട്ടുള്ള കാര്യങ്ങൾ എന്തൊക്കെയാണെന്നു ആലോചിക്കുകയാണെങ്കിൽ ഇന്നു മിക്കവാറും എല്ലാ ഷാപ്പുടമസ്ഥന്മാരും, അവരുടെ വ്യാപാരസ്ഥലങ്ങ

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ളിൽ ജോലിചെയ്യുന്ന തൊഴിലാളികൾക്കു ബില്ലുകൊണ്ടുണ്ടാകാവുന്നതിൽ കൂടുതൽ ആനുകൂല്യങ്ങൾ കൊടുത്തുവരുന്നുണ്ടു്, അതുകൊണ്ടു് ഈ ബിൽ വേണ്ട എന്നാണു് അദ്ദേഹം പറയുന്നതു്. അങ്ങിനെയാണെങ്കിൽ ഈ ബിൽകൊണ്ടു കച്ചവടക്കാർക്കു യാതൊന്നു ദോഷവും വരാനില്ല. കാരണം കച്ചവടക്കാർ ഇപ്പോൾ അവരുടെ ശമ്പളക്കാർക്കു നൽകി വരുന്നതിൽ കവിഞ്ഞ ആനുകൂല്യങ്ങൾ മാത്രമേ കൊടുക്കാൻ ഈ ബില്ലുകൊണ്ടു് ഉദ്ദേശിച്ചിട്ടുള്ളു. അവർ ഇപ്പോൾ കൊടുക്കുന്നതിൽ കുറവായ ആനുകൂല്യങ്ങൾ നിർദ്ദേശിച്ചിട്ടുള്ള ഈ ബിൽ വേണ്ട എന്നു പറയുന്നതു ശരിയല്ല. ഷാപ്പുകളിൽ വേലചെയ്യുന്ന തൊഴിലാളികളുടെ പല സമാജങ്ങളും തൃശ്ശൂരിലും, എറണാകുളത്തും മട്ടാഞ്ചേരിയിലുമുണ്ടു്. അവർ പ്രമേയം പാസ്സാക്കി ഷാപ്പുടമസ്ഥന്മാർക്കും ഗവർമ്മേണ്ടിനും അയച്ചിട്ടുണ്ടു് ഇത്തരത്തിലുള്ള നിയമനിർമ്മാണം ആവശ്യമുണ്ടെന്നു്. അദ്ദേഹം ബില്ലിനു ചില ദോഷങ്ങളും ഉണ്ടെന്നു പറഞ്ഞിട്ടുണ്ടു്. ഈ ബില്ലിൽ തൊഴിലാളികൾക്കു ശമ്പളം കൊടുക്കുന്നതിനെപ്പറ്റി ചില വ്യവസ്ഥകളും ഉണ്ടു്. മാസത്തിൽ ഒരിക്കലെങ്കിലും ശമ്പളം കൊടുക്കണമെന്നുള്ളതാണു് അതിലെ ഒരു വ്യവസ്ഥ. ഈ വ്യവസ്ഥയെ ഇപ്പോൾതന്നെ യാതൊരു മുതലാളിയും ലംഘിക്കുന്നില്ലായെന്നു പറയുന്നു. ആ സ്ഥിതിയ്ക്കു് ഈ വ്യവസ്ഥകൊണ്ടു് എന്തൊരു ദോഷമാണു് അവർക്കു വരാൻപോകുന്നതു? ഇപ്പോൾതന്നെ തൊഴിലാളികൾക്കു രണ്ടോ, മൂന്നോ മാസത്തെ അഡ്വാൻസു മുതലാളികൾ കൊടുക്കുന്നുണ്ടു് എന്നു പറയുന്നു. എന്നാൽ ഈ ബില്ലിൽ അങ്ങിനെ അഡ്വാൻസു് കൊടുക്കാൻ നിർബ്ബന്ധിക്കുന്നില്ല. ഇതു പാസായാൽ അവർക്കിഷ്ടമുണ്ടെങ്കിൽ മാത്രം അഡ്വാൻസു കൊടുത്താൽ മതി.

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: ആവശ്യമില്ലാത്ത ചുമതല കെട്ടിവെയ്ക്കുമ്പോൾ അതു കൊടുക്കുക വെറുപ്പു തോന്നിക്കും. അതുകൊണ്ടാണു് ഈ ബിൽ വേണ്ട എന്നു പറഞ്ഞതു്.

മിസ്റ്റർ പി. കെ. ഡീവർ: ഈ ബിൽ പാസാകുന്നതുകൊണ്ടു് അവർക്കു യാതൊരു ബുദ്ധിമുട്ടും വരാനില്ല. എന്തുകൊണ്ടെന്നാൽ ഇപ്പോൾ അവർ ചെയ്യുന്നതിൽ കുറഞ്ഞകാര്യങ്ങളും മാത്രമേ ഇതുകൊണ്ടാവശ്യപ്പെട്ടിട്ടുള്ളു. അഡ്വാൻസു കൊടുക്കുന്നതിനു് ഈ ബില്ലിൽ നിയമമില്ലെങ്കിലും, അഡ്വാൻസു കൊടുത്താൽ പിരിച്ചെടുക്കുന്നതിനുള്ള വ്യവസ്ഥ ഇതിലുണ്ടു്. ശമ്പളം കൊടുക്കുമ്പോൾ ഇതു കിഴിവുചെയ്യാനുള്ള വ്യവസ്ഥ ഇതിലുണ്ടു്. അതുപോലെ ഫയിൻ ഇട്ടാൽ അതും കിഴിവുചെയ്യാനുള്ള വ്യവസ്ഥയുണ്ടു്. ഇത്തരത്തിൽ കച്ചവടക്കാർക്കുള്ള സകല പരിരക്ഷകളും ഈ ബില്ലിലുണ്ടു്.

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: ഒരു വലിയ സംഖ്യ ഇവർ മുഖാന്തിരം നഷ്ടം വരുന്നതായാൽ അതു വസൂൽ ചെയ്യാൻ എന്താണു മാർഗ്ഗം? പത്തോ, നാല്പതോ, ഗ്രൂപ ശമ്പളമുള്ള ഒരു ശമ്പളക്കാരൻ മുഖാന്തിരം ആയിരം രൂപ നഷ്ടം വന്നാൽ അതു് എങ്ങിനെ പിരിച്ചെടുക്കും? അല്ലെങ്കിൽ ആയിരം രൂപ കടം കൊടുത്താൽ എങ്ങിനെ പിരിച്ചെടുക്കും?

മിസ്റ്റർ പി. കെ. ഡീവർ: ഈ ചോദ്യത്തിനു് ഉത്തരം പറയേണ്ട ആവശ്യമേ ഇല്ല. പണം കടം കൊടുക്കുന്ന ആൾ പിരിച്ചെടുക്കാൻ സാധിക്കുമെന്നു വിശ്വാസമുള്ളവർക്കു കൊടുക്കുകയുള്ളൂ.

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: ഒരു ബാങ്കിലടയ്ക്കാനുള്ള പതിനായിരം രൂപ ഇങ്ങിനെയുള്ള ഒരാളുടെ കയ്യിൽ കൊടുത്തയച്ചു എന്നു വിചാരിക്കുക; അതു അയാളുടെ കയ്യിൽനിന്നു കൈമോശം വന്നാൽ എന്തു ചെയ്യും?

മിസ്റ്റർ പി. കെ. ഡീവർ: രണ്ടായിരംരൂപാ ഒരാൾക്കു കൊടുത്താൽ അതു മടക്കിക്കിട്ടിയില്ലെങ്കിൽ അതു പിടിക്കാനുള്ള പല നിയമങ്ങളും ഇവിടെ നിലവിലുണ്ടു്. അതിനൊന്നും ഈ ബിൽ തടസ്സമല്ല.

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: നിയമം വേണ്ട നിയമം വേണ്ട, എന്നുപറഞ്ഞുകൊണ്ടിരിക്കുന്ന കൂട്ടരാണു് ഇവർ. ഇപ്പോൾ ഇവർ നിയമം വേണമെന്നാണു പറയുന്നതു്.

Mr. President: The Hon'ble Member has made his speech and if any further elucidations are to be made.....

മിസ്റ്റർ പി. കെ. ഡീവർ: ബഹുമാനപ്പെട്ട കോമേഴ്സു് മെമ്പറിനോടു് സംസാരിയ്ക്കാൻ പ്രയാസമാണു്. ഈ ബിൽ വരുന്നതുകൊണ്ടു് അഡ്വാൻസു് കൊടുക്കുന്ന കാര്യത്തിൽ യാതൊരു തടസ്സവുമില്ല. ഈ ബിൽ പാസായാലും, ഇഷ്ടമുണ്ടെങ്കിൽ അഡ്വാൻസു് കൊടുത്താൽ മതി.

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[Mr. P. K. Dewer]

തൊഴിലാളികളെ പിരിച്ചുയക്കുന്നതിനെ സംബന്ധിച്ചാണ്. ഇതിലുള്ള മറെറാരു വ്യവസ്ഥ. തൊഴിലാളികളെ പിരിച്ചുയക്കാൻ ഷാപ്പുടമസ്ഥന്മാക്ക് ഇപ്പോഴുള്ള അവകാശത്തെ ഈ ബിൽ യാതൊരു വിധത്തിലും ഹനിക്കുന്നില്ല. മൂന്നാമതൊരാൾക്കുടി ഈ വിവരം അറിയണമെന്നുമാത്രമേ ഉള്ളൂ. ഈ ബില്ലിലെ വ്യവസ്ഥപ്രകാരം ഒരാളെ പിരിച്ചുയക്കണമെന്നുണ്ടെങ്കിൽ ഒരു മാസത്തെ നോട്ടീസ്സുകൊടുക്കണം. തൊഴിലാളിയുടെ ദുസ്വഭാവംമൂലവും മറവും നോട്ടീസ്സുകൂടാതെയും പിരിച്ചുവിടാം. അതിനുമുമ്പ് അയാളോട് സമാധാനം ചോദിച്ചിരിയ്ക്കണമെന്നേയുള്ളൂ. പിരിച്ചുയക്കുന്നതിനു കാരണം ഇന്നതാണെന്നു രേഖപ്പെടുത്തുകയും വേണം. തൊഴിലാളികളെ പിരിച്ചുയച്ചതു കാരണം കൂടാതെയാണെന്ന് അവർ പരാതിപ്പെട്ടാൽ, അതിനെപ്പററി അവർ അപ്പീൽ കൊടുത്താൽ ബോദ്ധ്യപ്പെടുത്താൻവേണ്ടിയിട്ടാണ് രേഖവെയ്ക്കണം എന്നു പറയുന്നതു്. ഈ ബിൽ വന്നില്ലെങ്കിലും ഈ കാര്യത്തിൽ ഇടപെടാൻ ഉള്ള നിയമം ഇപ്പോഴുംതന്നെയുണ്ട്. എവിടെയെങ്കിലും ഒരു തൊഴിൽതക്കമുണ്ടായാൽ അവിടെ ഗവൺമെണ്ടിടപെട്ട് അഡ്ജൂഡിക്കേഷനും മറവും വയ്ക്കാൻ ഇന്നുതന്നെ നിയമമുണ്ട്. പക്ഷെ എവിടെയെങ്കിലും കുഴപ്പമുണ്ടായാൽ മാത്രമേ ഗവൺമെണ്ടിടപെടുകയുള്ളൂ. യാതൊരു കാരണവുംകൂടാതെ ഒരാളെ പിരിച്ചുവിട്ടാൽ അതു തെററാണെന്നു തീരുമാനിയ്ക്കാനുള്ള അവകാശമുണ്ട്. അതിൽ കൂടുതലായി ഈ ബില്ലിൽ യാതൊന്നുമില്ല. രാജ്യത്തു കുഴപ്പമുണ്ടാകാതിരിക്കാൻ വേണ്ടിയാണ് ഇതു ചേർത്തിട്ടുള്ളതു്. തൊഴിലാളികളും ഇപ്പോൾ അനുഭവിച്ചുവരുന്ന ആനുകൂല്യങ്ങളും ഒന്നും ഈ ബിൽ കൊണ്ടു പോകാൻ പോകുന്നില്ല. മിനിമം ഇന്നയിന്ന സൌകര്യങ്ങളും കൊടുക്കണം എന്നാണ് പറയുന്നതു്. കൊച്ചിയിലെ ഗോഡൌൺസു പഴയതാണ്. ഇങ്ങിനെയുള്ള ഗോഡൌൺസാണ് ഇന്ത്യയിൽ പലയിടത്തുമുള്ളതു്. ഗോഡൌൺസിനെ സംബന്ധിച്ചു സാനിട്ടറി അറേഞ്ചുമെൻറ് അല്ലാ ഈ ബില്ലിൽ പറഞ്ഞിട്ടുള്ളതു്; ആളുകളും ഇരുന്നു ജോലി ചെയ്യുന്ന സ്ഥലത്തെപ്പററിയാണ്. അവിടെ ഇരുന്നു പണിയെടുക്കുന്നതിനു് ആളുകളുടെ ആരോഗ്യത്തിനു ഹാനികരമല്ലാത്ത ചുറപാടുകളും ഉണ്ടായിരിക്കണം. മുതലാളിയുടെ ആരോഗ്യംകൂടി സംരക്ഷിയ്ക്കാനാണ് ഇതു ആവശ്യപ്പെടുന്നതു്. അതുകൊണ്ടു മുതലാളിയെ വെറുപ്പിക്കുന്ന യാതൊരു വ്യവസ്ഥയും ഈ ബില്ലിൽ ഇല്ല. ഈ ബില്ലിനെ സ്വാഗതം ചെയ്യുകയും ഇതിലെ എല്ലാ വ്യവസ്ഥകളേയും അനുകൂലിക്കുകയും ചെയ്തതിനു ബഹുമാനപ്പെട്ട മെമ്പറായ മിസ്റ്റർ കോഡറോട് ഞാൻ തൊഴിലാളി പ്രതിനിധിയെന്ന നിലയിൽ പ്രത്യേകം കൃതജ്ഞത പ്രകാശിപ്പിച്ചുകൊണ്ട് ഞാൻ വിരമിക്കുന്നു.

Mr. President : The question is that the Cochin Shops and Establishments Bill as reported by the Select Committee be taken into consideration.

Motion put and carried

Mr. P. Raman Menon *(Advocate-General)* : Sir, there is an amendment to clause (1), sub-clause (3). The amendment proposed is only a verbal amendment. As it now stands, some of the words are superfluous and the amendment proposed is to avoid the superfluity.

The Act itself come into force in the Municipalities of Ernakulam, Trichur and Irinjalakkuda. Now according to this amendment—the purpose of this rule is to make it applicable in the first instance to the Municipalities and in the second instance to other areas. There is no special necessity to emphasise 'Panchayats'; that was the reason for its elimination, and the amendment is proposed to simplify that clause. It shall come into force in the first instance in the Municipalities and in the second stage in the remaining parts of Cochin by notification. So there is no necessity to refer to Panchayats. It is unnecessary. The second clause is that "Government may, by notification, direct that all or any of the provisions of this Act shall come into force in any other area on such date as may be specified in such notification". Instead of mentioning Municipalities, Panchayats and other areas, the word 'Panchayat' is removed. Therefore in principle and in spirit there is no change. It is only a change intended to make it more simple and to avoid the use of some superfluous words.

Mr. S. S. Koder *(Nominated)* : On a point of information. May I know, Sir, whether at present the Bill is intended to operate in the Municipal areas alone?

Mr. P. K. Dewer *(Nominated)* : Yes.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur)* : Is there any necessity for a notification for bringing it into force in the Municipalities first?

Mr. P. K. Dewer *(Nominated)* : No. Not according to the Bill.

Mr. M. Sivarama Menon *(Constitutional Adviser)*: Not according to the Bill, but according to the amendment tabled by Government, the issue of a notification is necessary

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because as per the amendment tabled it shall come into force on such date as Government may by notification in all Municipalities constituted under the Municipal Act.

Mr. M. O. Thomakutty *(Commerce and Industry):* Sir, is it absolutely necessary at the present stage?

Mr. S. S. Koder *(Nominated):* I oppose the amendment. I think human beings in Municipal areas as well as in the Panchayat area are the same and the benefits to be derived by the shop assistants working in Municipal areas should also be enjoyed by certain shop assistants working in the Panchayat areas also. I see no reason why the rule should be confined to Municipal areas as at present and I am surprised to see the Hon'ble Member for Labour supporting the amendment.

Amendment put and carried

Mr. President: The question is that clause I (3) of the Cochin Shops and Establishments Bill, as amended, stand part of the Bill.

Motion put and carried

Mr. President: The question is that clauses 2 and 3 of the Bill stand part of the Bill.

Motion put and carried

Mr. President: Clause 4. There is an amendment by Mr. M. O. Thomakutty.

Mr. M. O. Thomakutty *(Commerce and Industry):* My intention in moving this amendment is to delete the clause 4 (1) as it stands at present. They are also human beings. So they also should be included. Hence that clause should be omitted.

Mr. President: The amendment is that sub-clause 4 (1) (c) be deleted. Is the amendment seconded?

Mr. S. S. Koder *(Nominated):* I second it, Sir.

Mr. P. Raman Menon *(Advocate-General):* Sir, I oppose it.

Mr. President: Nothing more in explanation. Shall I put it to vote?

Mr. M. Sivarama Menon *(Constitutional Adviser):* Sir, the purpose of opposing this amendment is not to relegate persons employed by Government to a position worse than serf as distinguished from persons employed in shops and establishments. I hope this House will surely appreciate that the applicability of this bill if it is to be extended to institutions run by Government cannot but be a matter of great—so to say—reflection on the part of the Government. You can expect that Government will do the right thing by their own servants. If, as a matter of fact, in any shop run by Government it is found that any of the provisions are violated, they can deal with it without a legislation by an administrative warning. Therefore it is usually to eschew the Government, so that there may not be any obligations. I would say for instance the House Control Order. Can you say it is really applicable to Government? There may be leases taken by Government, but do you hear from any person to whom a house has been leased. Therefore I can understand the purpose of this amendment as a sort of veiled protest; because the application of this Bill has a wide range as is evidenced by the comments of two Hon'ble Members of this House who supported it at the Select Committee stage. Therefore I can only take it as a method of protest and therefore I do not think hat this House should go to the extent of creating an obligation on the part of Government to comply with every provision of this Bill in so far as persons employed by Government are concerned. I think it is a trivial matter and you can trust the Government and therefore I oppose the amendment.

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: ഗവമ്മെണ്ടു നിയമം ഉണ്ടാക്കുകയെന്നുള്ളതല്ലാതെ ആ നിയമം എങ്ങിനെയാണു പാലിക്കേണ്ടതു് എന്നുള്ളതിനു് ഒരു മാതൃക എങ്ങിനെയാണെന്നു കാണിച്ചുകൊടുക്കുന്നുണ്ടോ ?

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: ഗവമ്മെണ്ടിനു നിയമമുണ്ടാക്കേണ്ട ആവശ്യമേയുള്ളൂ. അതു പാലിക്കേണ്ടതു ജനങ്ങളാണു്.

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: ഗവമ്മെണ്ടുണ്ടാക്കുന്ന നിയമം എങ്ങിനെയാണു പാലിക്കേണ്ടതു് എന്നുള്ളതിനു ഒരു മാതൃക ഗവമ്മെണ്ടു കാണിച്ചുകൊടുക്കുന്നില്ലല്ലൊ? ഒരു പാതിരി ചെയ്യുന്ന പ്രസംഗങ്ങളുടെ നിലപോലെയാണു ഗവമ്മെണ്ടു പ്രവർത്തിക്കുന്നതു്. പാതിരി പ്രസംഗിക്കുകയുണ്ടായി, നിങ്ങളെല്ലാവരും സത്യത്തോടും മര്യാദയോടുംകൂടി പെരുമാറണം, ആരേയും വഞ്ചിക്കരുതു് എന്നുംമറ്റും. പക്ഷേ ആ പാതിരിതന്നെ അദ്ദേഹത്തിന്റെ പ്രസംഗത്തിനെതിരായി പ്രവർത്തിച്ചു. അദ്ദേഹത്തിന്റെ പ്രസംഗം കേട്ട പലരും ഇതിനെപ്പറ്റി അദ്ദേഹത്തോടു ചോദിച്ചപ്പോൾ, നിങ്ങൾ എന്റെ പ്രസംഗം കേട്ടാൽ മതി, എ

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[Mr. M. O. Thomakutty]

ന്റെ പ്രവൃത്തിയെപ്പറ്റി അന്വേഷിയ്ക്കണ്ട എന്ന മറുപടി പറയുകയുണ്ടായി. അതു പോലെ നമ്മുടെ ഗവണ്മെണ്ടിന്റെ പ്രവൃത്തി നോക്കേണ്ട, ഗവണ്മെണ്ടിന്റെ പ്രസംഗം കേട്ടാൽ മതിയെന്നാണു പറയുന്നതു്.

Mr. S. S. Koder *(Nominated)*: Sir, I submit that it is not a method of protest, but I wish to voice my emphatic protest. I raise a point when I say this—in the ferry and transport service—I am only pleading this case—the servants there were made to work only 8 hours a day, but when it was nationalised and taken over by Government, they are now made to work like slaves for more than 12 hours.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: There was admission, Sir, this morning. It runs up to 12 hours.

Mr. S. S. Koder *(Nominated)*: Sir, these are the reasons that made me to support this amendment.

Mr. President: The question is that clause 4 (1) (c) be deleted.

Amendment put and lost

The next question is that clauses 4 to 8 stand part of the Bill.

Motion put and carried

Mr. President: Now clause 9. There is an amendment by Mr. M. O. Thomakutty.

മിസ്റ്റർ എ. ഒ. തോമക്കുട്ടി: ജോലിസമയം വ മണിക്കൂർ എന്നതു് ഛ o മണിക്കൂർ ആക്കണമെന്നാണു് എന്റെ അഭിപ്രായം.

Mr. P. K. Dewer *(Nominated)*: Sir, he is moving the amendment and the amendment will have to be seconded.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I second it for the purpose of discussion.

മിസ്റ്റർ പി. കെ. ഡിവർ: I oppose it, Sir. ഈ അമെൻഡമെൻഡുകൊണ്ടു് അദ്ദേഹം വിചാരിച്ച ഫലം കിട്ടുകയില്ല. ൯-ാം സെക്ഷൻ clause രണ്ടിൽ ൪ മണിക്കൂർ ജോലികഴിഞ്ഞാൽ ഒരു മണിക്കൂർ വിശ്രമം കൊടുക്കണമെന്നു പറഞ്ഞിട്ടുണ്ടു്. അതുകൊണ്ടു് അദ്ദേഹം വിചാരിക്കുന്ന ഫലം ഈ അമെൻഡമെൻറിനു കിട്ടുകയില്ല. വ മണിക്കൂർ വേല എന്നുള്ളതു ഛ o മണിക്കൂർ ആക്കിയാൽ അതു മദ്രാസ് സംസ്ഥാനത്തിലെ നിയമത്തിനു വിരുദ്ധമാണു്. പോട്ടു് കൊച്ചിയിൽ വ മണിക്കൂർ പണിയെടുത്താൽ മതിയെന്ന നിയമം ഉണ്ടായിരിക്കുമ്പോൾ അവിടുന്നു് ഒരു റോഡിനിപ്പുറത്തുള്ള തൊഴിലാളികൾ ഛ o മണിക്കൂർ പണിയെടുക്കണമെന്നു വരുകയാണെങ്കിൽ അതു് ഈ തൊഴിലാളികളുടെ ഇടയിൽ പ്രക്ഷോഭണം ഉണ്ടാകാനുള്ള ഒരു വഴിയായിതീരും. അതുകൊണ്ടു് ഈ അമെൻഡമെൻറ് അദ്ദേഹം പിൻവലിയ്ക്കണമെന്നാണു് ഞാൻ പറയുന്നതു്. തെക്കെ ഇന്ത്യയിൽ എല്ലായിടത്തും ഒരുപോലെയുള്ള നിയമം നടപ്പിൽ വരുകയാണെങ്കിൽ അതു എല്ലാ കച്ചവടക്കാർക്കും ഒരുപോലെ സൌകര്യമായിരിക്കും.

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: ബ്രിട്ടീഷ് കൊച്ചിയിൽ അധികമുള്ളതു് സായ്പന്മാരുടെ കമ്പനികളാണു്. അവിടെയുള്ള ജോലിക്കാർക്കു് ഛ ഛ മണിക്കു വന്നാൽ @ മണിക്കു പോകാം. അതുപോലെയല്ലാ മട്ടാഞ്ചേരിയിലെ സ്ഥിതി. ഛ o മണിക്കൂർ വേലചെയ്യിക്കുന്നതുകൊണ്ടു തൊഴിലാളികൾക്കു് ഒരു നഷ്ടവും വരാനില്ല. എന്തുകൊണ്ടെന്നാൽ ഒരു മണിക്കൂർ വിശ്രമം എന്നുള്ളതിനു രണ്ടുമണിക്കൂർ വിശ്രമം കൊടുക്കാനാണു് ഇതുകൊണ്ടു് ഉദ്ദേശിക്കുന്നതു്. അതുകൊണ്ടു് ഈ അമെൻഡമെൻറ് അനുവദിക്കുമെന്നു് ഞാൻ വിചാരിക്കുന്നു.

Mr. President: The question is that the amendment.....

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Sir, I want to talk on the amendment. The amendment reads like this "Substitute the words "10 hours" for the words "eight hours" occurring in line 3 of the sub-clause and substitute the words "60 hours" for the words "forty-eight hours" occurring in line 4 of the clause.

Delete the proviso to clause 9 (1).

Now in that he wants 60 hours for the words 'forty eight hours'. Therefore clause 9 as reported inclusive of the proviso is the subject matter into which the amendment is sought to be introduced. So as reported by the Select Committee their recommendation is that it should be six day week of 8 hours each. That is sub-clause 1. An exception is made to that; I think I am clear on that. They have recommended a six day week of 8 hours a day. So to put it in his phraseology of legislation employed elsewhere, what is recommended is a six day week of

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8 hours a day with a proviso that on payment of overtime charges, with another proviso that even that payment of overtime charges a consecutive running work for 5 hours is objected. That is if payment is made for work over and above 8 hours which is the imperative provision in 9 (1), it shall not be exceeded. Supposing the proviso was not there, it is imperative that in the first minute after the 8th hour, no shop assistant will be asked to work there. The penalty following will apply to him, that is the essense of that. Now an exception is made in the reported proviso that 8 hours can be ignored, the effect of it being to extend what is prescribed in the earlier sub-clause to exceed the 8 hours laid down there. But the penacia for that excess work is payment of overtime charges, something which is known to the labour world; but even that remuneration being paid, it shall not be a running 5 hour work. Between the first hour and the subsequent hours, there should be an interval. It shall not exceed 10 hours in any day, if the period of work inclusive of overtime work does not exceed 10 hours a day, and in the aggregate 54 hours. As far as the amendment No. 2 inclusive of "delete the proviso to clause 9 (1)" is concerned, the change sought to be made is simply and in essense one of converting the main provision of six day a week of 8 hours a day into six day week of 10 hours per day.

Mr. M. Sivarama Menon *(Constitutional Adviser):* And not to give overtime wages.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* That necessarily follows. Then without those words being wasted there it follows. It shall be not 8 hours but 10 hours and the aggregate will be sixty hours. So the sponsors of this Bill and those who supported this report do think that it ought to be an eight hour day of six days a week and nothing more. With certain other provisos for over-stepping what is laid down in the main clause, but here comes the remarks of the member representing commerce. He wants through the amendment a 10 hour day. In the context of course the day consists of more than 8 hours or 10 hours but in the context where an 8 hour day is recommended.

Mr. President: Yes, what is the Hon'ble Member's request.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, the question is a shop employee can be asked to get into the shop for any purpose for 10 hours as the sponsor of the amendment wants. Here the expert committee, expert in the sense that they must have spent serious thought individually and the result of the report is the conjoint product of the devoted attention made by three sponsors, who at the spot itself would have spent a serious thought upon the subject in general and angularities wherever it existed, either in the sponsors or in some of the members, must have been shaped that was necessary as the conjoint effort of this and the result is in 9 (1) as reported.

Mr. President: Which you support ?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* It is in that way I say that the expert product which I characterised 9 (1) as seen in the book is now sought to be substituted. That is sought to be substituted, the result being instead of 8 hours sweating or other than sweating whatever work goes on there, the employer must have the pleasure to keep him for two hours more than what is recommended by this expert body, that in essense is that my suggestion is that whatever is reasonable be given, can you expect me to do anything other than that.

Mr. President: Therefore the motion is opposed.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, in these matters and more especially in the context of to-day, where compromises have become the rule even to objectionable limits why not that a via media be adopted that between the 8 hours of the experts and the 10 hours of the interested parties, why not the happy mean be struck and nine, with some interval—I put it both to my interested sponsors of the amendment and to the experts of expert reports of the select committee report.

Mr. President: The Hon'ble Member wants a compromise in this alone. Yesterday the Hon'ble Member said that he hates compromise.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* That was the context there, Sir. Hate was a mildest term that I could think of, in the context of that day; but in the context of now I submit, Sir, a compromise is desirable of being attempted. The result to achieve the well known policy of give and take being agreeable to the experts and also to the interested, then the appropriate thing can be made. That is a suggestion which sitting in between the two I can suggest.

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: ഫ 0 മണിക്കൂർ വേലസമയം വെയ്ക്കണമെന്നു ഞാൻ പറയുന്നതു് രണ്ടു മണിക്കൂർ ജോലിക്കാർക്കു വിശ്രമം കൊടുക്കാൻ വേണ്ടിയാണു്. അതു

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[Mr. M. O. Thomakutty]
കൊണ്ട് ൧ ൦ മണിക്കുരാക്കുന്നതുകൊണ്ട് തൊഴിലാളികൾക്ക യാതൊരു ദോഷവുമില്ലെന്നാണ് ഞാൻ പറയുന്നതു്.

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: ൧ ൦ മണിക്കുർ വേലസമയം നിശ്ചയിച്ചു്, രണ്ടു മണിക്കുർ വിശ്രമം കൊടുക്കാമെന്നാണ് ഈ അമൻറുമെൻറ് കൊണ്ടുവന്ന ബഹുമാനപ്പെട്ട മെമ്പർ പറയുന്നതു്. ഇതിൽ ഒരു വിഷമമുണ്ട്. മദ്രാസ്സിലെ നിയമപ്രകാരം ൮ മണിക്കുർ ജോലികഴിഞ്ഞു തൊഴിലാളികൾ പോകുമ്പോൾ ഇവിടെയുള്ളവർ പിന്നേയും പണിയെടുത്തുകൊണ്ടിരിക്കേണ്ടതായി വരുന്നു. അങ്ങിനെ വരുമ്പോൾ ഇവിടത്തെ തൊഴിലാളികളുടെയിടയിൽ വല്ല കുഴപ്പവുമുണ്ടായെങ്കിലോ എന്നുള്ള സംശയംകൊണ്ടാണ് ഒരു മണിക്കുർ വിശ്രമം കൊടുത്തു് ൮ മണിക്കുർ വേല ചെയ്യിച്ചാൽ മതിയെന്നു പറയുന്നതു്. Not only that, Sir.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Can I be allowed to make a suggestion, Sir? If allowable I would submit this, again a matter of compromise. Now it is said in the report that they have adopted in the main the Madras Act. The Madras Act was disposed of by the Madras Assembly in the session preceding the one that is on now, the reports of which, on enquiry during this interval, I am told, has gone to the press for the purpose of binding. If that fact is true, which I doubt, because that is expeditious work. Anyhow that is the information given to me that is that it has gone to the lazy press; but the calamitous day is not to-day. I submit, Sir, why not we comply with the appropriate provision in the S. O. and pass over this item to be taken up in the next meeting. You are going to do more harm by hurrying. Unless there is a revolution in Cochin, signs of which are.....

Mr. President: Well, the suggestion of the Hon'ble Member is that this item may be taken up at the next meeting, so that we may have more time to think over the implications and the extent of the adaptation of the Madras Act.....

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Sir, I have thrown out a suggestion which I believe is good, but if the sponsors are opposed to it.....

മിസ്റ്റർ പി. കെ. ഡീവർ: ഈ അമൻറുമെൻറ് പാസ്സാക്കുന്ന കാര്യത്തിൽ ഞാൻ എതിരാണ്.

മിസ്റ്റർ എ. ഈച്ചരമേനോൻ: ഇതു പാസ്സാക്കുന്നതിനുമുമ്പു് ഒരു വിവരം അറിയാൻ ഉണ്ടായിരുന്നു. എത്ര മണിക്കാണ് ഷാപ്പു പൂട്ടുന്നതു്?

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: കാലത്തു് ൯ മണിക്കു ഷാപ്പു തുറക്കും. ഒരു മണിക്കു ക്ലോസുചെയ്യും. രണ്ടു മണിക്കുർ വിശ്രമം കൊടുക്കും. പിന്നെ മൂന്നു മണിക്കു തുറക്കും. ൯ മണിക്കു പൂട്ടുകയുംചെയ്യും.

മിസ്റ്റർ എ. ഈച്ചരമേനോൻ: അപ്പോഴും ഇതിനുമുമ്പു വേണം ക്ലേലിക്കാർക്കും മറ്റും വല്ല സാധനങ്ങളും ആവശ്യമുണ്ടെങ്കിൽ മേടിക്കാൻ.

Mr. P. T. Jacob *(Latin-Christians Mattancheri)*: Government will be issuing orders about the time; that is what is intended by the provision here and why you doubt about it.

Mr. President: The question is in Chapter II, clause 9 (1) the amendments placed by Mr. Thomakutty be substituted.

Amendment put and lost

Mr. President: The question is in Chapter II, clause 9 (1) stands part of the Bill.

Motion put and carried

Mr. President: There is an amendment for the same clause that this clause 9 (2) by Mr. M. O. Thomakutty.

Mr. P. K. Dewer *(Nominated)*: There is no purpose in bringing this amendment. It is 10 hours in the foregoing clause and 8 hours in the original bill. What is the use of putting this amendment?

Mr. President: That amendment is practically lost. The question is that Clauses 9 and 10 form part of the Bill.

Motion put and carried and Clauses 9 and 10 forms part of the Bill.

Mr. President: There is amendment to clause 11 (3) (*a*) and (*b*) and clause 11 (4) by Mr. M. O. Thomakutty.

Mr. M. O. Thomakutty *(Commerce and Industry)*: "(*a*) Government may, by notification, require in respect of shops or any specified class of shops, that they shall, in addition to the day provided for by sub-section (1), be closed at such hour in the afternoon of one week-day every week at such hour as may be fixed by Government."

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"(b) Every person employed in any shop to which a notification under clause (a) applies, shall be allowed in each week an additional holiday of one half-day commencing at the hour in the afternoon fixed for the closing of the shop under clause (a)."

I move that the above 2 sub-clauses may be deleted.

Clause 11 ഇപ്പോൾ സാധാരണ ഒരു ദിവസം കഴിയുമ്പോൾ ഒരു ദിവസം അവധി കൊടുക്കാറുണ്ട്. അതിനുംപുറമെ ശനിയാഴ്ച half-holiday കൊടുക്കുക എന്നുള്ളതു് വളരെ കഷ്ടമായിട്ടുള്ള കാര്യമാണു്. ഇതു് ഒരു skilled work അല്ല. അതായതു് വീടു വെട്ടുക, കൈക്കോട്ടു് കിളക്കുക മുതലായ ജോലിക്കളെപ്പോലെയല്ല അവരുടെ സൌകര്യം പോലെ ജോലി എടുക്കാവുന്നതാണു്. അതുകൊണ്ടു് ആ ഒരു കാരണത്തിന്മേൽ ശനിയാഴ്ച half-holiday കൊടുക്കേണ്ടതില്ല എന്നാണു് എനിക്കു തോന്നുന്നതു്,

Mr. S. S. Koder *(Nominated):* On a point of information, Sir, I would like to know whether this clause 11 (3) (a) is in the Madras Bill. It was not in the original Bill. As far as I know, it is only one day in the week and no half holiday.

Mr. M. Sivarama Menon *(Constitutional Adviser):* The other automatically is a power vested with the Government.

Mr. S. S. Koder *(Nominated):* This sub-clause was there only in Mr. P. T. Jacob's Bill. But we agreed in the Select Committee to copy the Madras Act.

Mr. P. T. Jacob *(Latin-Christians Mattancheri):* I insist that that sub-clause should also be included.

Mr. P. K. Dewer *(Nominated):* There is this in the Madras Act also and here Government may by notification require by the mere passing of the Bill the shops need not be closed.

Mr. M. O. Thomakutty *(Commerce and Industry):* In the Madras Act there is no such provision that half-holiday may be given to employees.

Mr. P. T. Jocob *(Latin-Christians Mattancheri):* I oppose the amendment.

Mr. President: Anyway it is opposed. Is there anybody to second it?

Mr. S. S. Koder *(Nominated):* I second it.

Mr. President: The question is whether Clause 11 (3) (a) and (b) be deleted.

Motion put and lost

Mr. President: In the same Clause we have got an amendment by Mr. M. O. Thomakutty that sub-clause 11 (4) be deleted.

Mr. M. O. Thomakutty *(Commerce and Industry):* "11 (4) Government may, for the purpose of sub-section (3), fix different hours for different shops or different classes of shops or or different areas or for different times of the year."

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: Class 11 (4). Sub-Clause be deleted. ഇങ്ങിനെ ഒരു പവർ കൊടുക്കുന്നതുകൊണ്ടു് ഗവർമ്മെണ്ടിനു് ഇഷ്ടംതോന്നുന്ന ഷാപ്പുകൾ അവരുടെ ഇഷ്ടംപോലെ തുറന്നുവയ്ക്കാൻ അവശ്യപ്പെടാം. അതുകൊണ്ടു് ഇതു് ഇവിടെ ആവശ്യമില്ലെന്നാണു തോന്നുന്നതു്. ഇതു് ചിലർക്കു തോന്നുംവിധം പ്രവൃത്തിക്കാൻ സൌകര്യം ചെയ്തുകൊടുക്കുക എന്നുള്ളതുപോലെയാണു്.

Mr. President: The motion for amendment is not seconded and therefore lost, because according to rules every amendment has to be seconded, otherwise it shall not be discussed.

Amendment lost

Mr. President: Now, the question is that clauses 11, 12 and 13 shall form part of the Bill.

Motion put and carried and clauses 11, 12 and 13 stand part of the Bill.

Mr. President: The next amendment is on clause 14 by Mr. Thomakutty.

Mr. M. O. Thomakutty *(Commerce and Industry):* "14. (1) Subject to the provisions of this Act, no person employed in any establishment shall be required or allowed to work for more than 8 hours in any day and forty-eight hours in any week."

I move for the substitution of the words "ten hours" for the words "eight hours" occurring in line 3 of the clause; and the words "sixty hours" for the words "forty eight hours" occurring in line 4.

മിസ്റ്റർ എം. ഒ. തോമക്കുട്ടി: clause 14 (2) ഒരു മണിക്കൂർകൊണ്ടു് അവർക്കു് ആഹാരം കഴിച്ചു വരാൻ വളരെ വിഷമമാണു്. അതുകൊണ്ടു് ഒരു മണിക്കൂർ എന്നതു രണ്ടുമണിക്കൂറായി കൂട്ടണം.

Mr. P. K. Dewer *(Nominated):* The amendment for 10 hours has been deleted and therefore, there is no use in putting this amendment.

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Mr. M. Sivarama Menon *(Constitutional Adviser):* I think there is no use of putting it now, because it deals with establishments other than shops.

Mr. President: The motion for amendment has not been seconded and therefore lost.

Amendment lost

Mr. President: Now the next amendment is on clause 14 (2) by Mr. Thomakutty.

Mr. M. O. Thomakutty *(Commerce and Industry):* "14 (2). No person employed in any establishment shall be required or allowed to work in such establishment for more than four hours in any day unless he has had an interval for rest for at least one hour." My amendment is for giving 2 hours rest.

Mr. President: Motion for amendment not seconded and hence considered lost.

Amendment lost

Mr. President: Now the question is that clauses 14 and 15 shall form part of the Bill.

Motion put and carried and clauses 14 and 15 stand part of the Bill

Mr. President: Now comes the amendments to clause 16 (2) and (3) by Mr. Thomakutty.

Mr. M. O. Thomakutty *(Commerce and Industry):* "16. (2) Government may, by notification, require in respect of any establishment or any specified class of establishments, that every person employed therein shall be allowed in each week an additional holiday of one half-day commencing at such hour in the afternoon as may be fixed by Government."

"(3) Government may, for the purpose of sub-section (2), fix different hours for different establishments or different classes of establishments or for different areas or for different times of the year."

I move that the above sub-clauses may be deleted.

Mr. M. Sivarama Menon *(Constitutional Adviser):* I think it is not necessary because it relates to establishments other than shops.

Mr. President: Motion not seconded and therefore lost.

Amendment lost

Mr. President: The question is that clauses 16 to 19 shall form part of the Bill.

Motion put and carried. Clauses 16 to 19 stand part of the Bill.

Mr. President: Amendment to clauses 20 to 24 by Mr. M. O. Thomakutty.

Mr. M. O. Thomakutty *(Commerce and Industry):* I move that the whole Chapter V may be deleted. It is the duty of the Municipalities to see that the premises of every establishment shall be kept clean and it shall not be left as the responsibility of the merchants to do this. Therefore, I insist that the whole chapter may be deleted.

Mr. P. K. Dewer *(Nominated):* But there are places where there is no municipality.

Mr. President: Motion not seconded and therefore lost.

Amendment lost

Mr. President: The question is that clauses 20 to 24 shall form part of the Bill.

Motion put and carried Clauses 20 to 24 stand part of the Bill

Mr. President: Amendment to clauses 25 to 28 that the entire Chapter VI may be deleted was not moved by Mr. M. O. Thomakutty.

Mr. President: The question is that clauses 25 to 28 shall form part of the Bill.

Motion put and carried. Clauses 25 to 28 stand part of the Bill.

Mr. Prssident: The next amendment is the amendment by Mr. M. O. Thomakutty that clauses 29 to 40 inclusive may be deleted.

Mr. M. O. Thomakutty *(Commerce and Industry):* I don't move that amendment, Sir.

Mr. P. Raman Menon *(Advocate-General):* Sir, I rise to move an amendment to clause 34 (2) (i) *i.e.*, for the words and figures "Section 56-B of the Cochin Income-tax Act, VIII of 1108," the words and figures "Section 80 of the Cochin Income-tax Act, IV of 1117" shall be substituted. The number of the Act and the section is wrongly shown there and it ought to be corrected.

Mr. M. Sivarama Menon *(Constitutional Adviser):* The number of the Act and the number of section given is a mistake. Instead of section 56-B of the Cochin Income-tax Act, VIII of 1108, it ought to be "section 80 of the Cochin Income-tax Act, IV of 1117."

Mr. President: The question is that clauses 29 to 33 and clause 34 as amended and also clauses 35 to 40 shall form part of the Bill.

Motion put and carried and clauses 29 to 40 stand part of the Bill

Mr. President: On clause 41, there is an amendment by Mr. M. O. Thomakutty:

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Mr. M. O. Thomakutty *(Commerce and Industry).* I move that for the words "not less than six months" occurring in lines two and three, the words "three years" may be substituted.

ഇതിന്റെ പ്രധാന ഉദ്ദേശംതന്നെ, ആറുമാസം ഒരാളെ ജോലിക്ക വെച്ചാൽ അദ്ദേഹം എന്തു തരക്കാരനാണെന്നു് മനസ്സിലാക്കാൻ സാധിക്കുകയില്ല, അവന്റെ കാര്യപ്രാപ്തിയെക്കുറിച്ചറിയണമെങ്കിൽ മൂന്നു കൊല്ലമെങ്കിലും ആ ജോലിയിലിരിക്കണം അതുകൊണ്ടു് അവനെ ഒഴിവാക്കാൻപാടില്ല എന്നുള്ള പരാധിയിൽ ആ നിയമനം പാടില്ല.

Mr. K. S. Paniker *(Ezhuvas Trichur):* I second it, Sir.

Mr. P. K. Dewer *(Nominated):* I oppose it.

Amendment put and lost

Mr. President: The question is that clauses 41 to 44 stand part of the Bill.

Motion put and carried

Mr. President: There is an amendment on clause 45 by Mr. M. O. Thomakutty.

Mr. M. O. Thomakutty *(Commerce and Industry):* I move that the words "Two hundred and fifty rupees" occurring in lines 5 and 6 of the clause may be substituted by the words "Five rupees".

ഇതു് ഒരു ആദായമായിട്ടുള്ള വഴിയായിട്ടു് ഗവണ്മെണ്ടു് വിചാരിക്കരുതു്. കൂടുതൽ പിഴ ഇടുക എന്നുള്ളതു് വളരെ കഷ്ടമായിട്ടുള്ള കാര്യമാണു്. വല്ലതും ചെറിയ സംഖ്യ എന്തെങ്കിലും പിഴയായി നിശ്ചയിക്കാനെ പാടുള്ളു എന്നാണു് എനിക്കു പറയാനുള്ളതു്.

Amendment lost

Mr. President: The question is that clause 45 stands part of the Bill.

Motion put and carried

Mr. President: Amendment on clause 46 was not moved by Mr. M. O. Thomakutty. The question is that clauses 46 to 52 stand part of the Bill.

Motion put and carried

Mr. President: The question is that the title and preamble stand part of the Bill.

Motion put and carried

Mr. P. K. Dewer *(Nominated):* I move that the bill as amended be taken up and finally passed at the next meeting of the Council.

Mr. President: The question is that the bill as amended be taken up and finally passed at the next meeting of the Council.

Mr. M. O. Thomakutty *(Commerce and Industry):* I have a suggestion to make that is the bill may be brought into force with effect from 1st Chingam 1124?

Mr. President: That is done by notification "on such date as Government may by notification in the Government Gazette declare".

Mr. S. S. Koder *(Nominated):* On that date the Madras Bill may also be placed on the table.

Mr. M. Sivarama Menon *(Constitutional Adviser):* I want to make a statement. Government would like to have this matter considered again as a matter of fact with regard to the provisions of the Madras Act. There has been no scrutiny on the part of the Government because this has been a non-official bill, as a matter of fact. We shall certainly get into touch with the Madras Act and try to see that if there are any provisions in the Madras Act which are not embodied here, they are also embodied. Suitable adjustments will be made. I am thankful to the Hon'ble Member for the helpful suggestion made by him.

Mr. President: The question is that the Cochin Shops and Establishments Bill as amended may be finally passed at the next meeting.

Motion put and carried

(2) THE COCHIN VERUMPATTOMDARS' (CONDONATION OF FORFEITURE) BILL

Mr. President: Now Mr. K. T. Achuthan will introduce the Cochin Verumpattomdars' (Condonation of forfeiture) Bill.

Mr. K. T. Achuthan *(Ezhuvas-Mukundapuram):* Sir, I move.....

Mr. Parambi Lonappen *(Minister for Revenue):* I move that this Bill also may be referred to the same Select Committee which is considering so many other similar Bills.

Mr. M. Sivarama Menon *(Constitutional-Adviser):* I was moving on that day at the time when this subject was dealt with that this Bill also may be referred to the same Select

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